

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

In re: : **Chapter 13**
:
Michael E. Carey, : **Case No. 4:23-bk-02191-MJC**
:
Debtor. :
:
Michael E. Carey, :
Objecting Party :
v. :
:
Towd Point Mortgage Trust 2020-1, :
U.S. Bank National Association, as :
Indenture Trustee, :
Respondents. :
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**ORDER OVERRULING DEBTOR'S
OBJECTION TO PROOF OF CLAIM NUMBER 3**

Upon consideration of Pro Se Debtor's Objection to Proof of Claim Number 3 of Towd Point Mortgage Trust 2020-1 c/o Select Portfolio Servicing, Inc. ("Creditor"), Dkt. # 64 ("Objection"), Respondent's Answer in response thereto, Dkt. # 77, Debtor's Response to Claimant's Answer, Dkt. # 80;

AND, after a hearing held on August 8, 2024, at which Debtor failed to appear;

AND, Creditor having met its burden that Proof of Claim No. 3 should be accorded *prima facie* evidentiary effect pursuant to Fed. R. Bankr. P. 3001(f);

AND, once a claim is deemed to be *prima facie* valid, the burden of producing evidence to refute the claim falls upon the objector – here Debtor; *see In re Allegheny Int'l*, 954 F.2d 167, 173 (3d Cir. 1992); *In re Mayne*, 2015 WL 6459995, at *3, (Bankr. M.D. Pa. 2015); *In re Umstead*, 490 B.R. 186, 192 (Bankr. E.D. Pa. 2013);

AND, Debtor having failed to establish any evidence to refute the validity of the claim;

AND, for the reasons stated on the record;¹

It is hereby **ORDERED** that the Objection is **OVERRULED**.

By the Court,



Mark J. Conway, Bankruptcy Judge
Dated: August 8, 2024

¹ The Court's findings and conclusions were stated on the record in open court pursuant to F.R.B.P. 7052.